

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:12CR220
	§	
ALLEN KYLE OSBORNE	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 2, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Bradley Visosky.

On April 8, 2010, Defendant was sentenced by the Ronald A. White, United States District Judge, to a sentence of time served followed by a three-year term of supervised release for the offense of conspiracy. Defendant began his term of supervision on December 19, 2011. On September 27, 2012, the case was transferred to the Honorable Marcia A. Crone, United States District Judge.

On June 14, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 3). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; and (2) Defendant shall refrain from excessive use of alcohol and shall not

purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

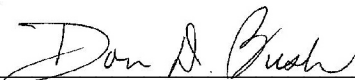
The Petition alleges that Defendant committed the following violations: (1) On May 1, 2012, June 4, 2012, and June 13, 2013, Defendant submitted urine specimens that tested positive for methamphetamine. Defendant also submitted a urine specimen on March 19, 2013, that tested positive for methamphetamine and marijuana. Defendant admitted to said use; (2) On June 4, 2013, Defendant was instructed to submit a urine specimen for testing. Instead, Defendant admitted to using methamphetamine on or about June 3, 2013.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the July 2, 2013 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 3rd day of July, 2013.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE